

The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

(Pub. L. 104-333, div. I, title X, §1029, Nov. 12, 1996, 110 Stat. 4232; Pub. L. 105-355, title V, §513, Nov. 6, 1998, 112 Stat. 3266; Pub. L. 106-176, title I, §126, Mar. 10, 2000, 114 Stat. 30; Pub. L. 108-352, §12, Oct. 21, 2004, 118 Stat. 1397; Pub. L. 109-241, title IX, §902(h)(1), July 11, 2006, 120 Stat. 567; Pub. L. 111-11, title VII, §7109, Mar. 30, 2009, 123 Stat. 1197; Pub. L. 111-281, title IX, §903(a)(8), Oct. 15, 2010, 124 Stat. 3010.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (g)(4), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2010—Subsec. (e)(2)(B). Pub. L. 111-281 made technical amendment to directory language of Pub. L. 109-241, §902(h)(1). See 2006 Amendment note below.

2009—Subsec. (d)(3). Pub. L. 111-11, §7109(a), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The Secretary may consult and enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to acquire from and provide to the Commonwealth or its political subdivisions goods and services to be used in the cooperative management of lands within the recreation area, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.”

Subsec. (e)(2)(B). Pub. L. 111-11, §7109(b)(1), substituted “Coast Guard.” for “Coast Guard”.

Subsec. (e)(11). Pub. L. 111-11, §7109(b)(2), substituted “Notwithstanding” for “Notwithstanding”.

2006—Subsec. (e)(2)(B). Pub. L. 109-241, §902(h)(1), as amended by Pub. L. 111-281, §903(a)(8), substituted “Commandant of the Coast Guard.” for “Secretary of Transportation, to represent the United States Coast Guard.”

2004—Subsec. (c)(2)(B)(i). Pub. L. 108-352, §12(1), substituted “referenced” for “reference”.

Subsec. (d)(4). Pub. L. 108-352, §12(2), inserted period after “plans”.

2000—Pub. L. 106-176, §126(1), substituted “National Recreation Area” for “Recreation Area” in section catchline.

Subsec. (b)(1). Pub. L. 106-176, §126(2), inserted quotation marks around “recreation area”.

Subsec. (e)(3)(B). Pub. L. 106-176, §126(3), which directed substitution of “subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).” for “subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10) of this section.”, was executed by making the substitution for text that did not include the phrase “of this section.”

Subsec. (f)(2)(A)(i). Pub. L. 106-176, §126(4), substituted “private-sector roles” for “profit sector roles”.

Subsec. (g)(1). Pub. L. 106-176, §126(5), substituted “and revenue-raising activities.” for “and revenue raising activities.”.

Subsec. (h)(2). Pub. L. 106-176, §126(6), substituted “ratio” for “ration”.

1998—Subsec. (c)(3). Pub. L. 105-355 added par. (3).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-281, title IX, §903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(8) is effective with enactment of Pub. L. 109-241.

SUBCHAPTER CXXIII—LAND BETWEEN THE LAKES PROTECTION

§ 460///. Definitions

In this subchapter:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Advisory Board

The term “Advisory Board” means the Land Between the Lakes Advisory Board established under section 460///-22 of this title.

(3) Chairman

The term “Chairman” means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) Eligible employee

The term “eligible employee” means a person that was, on the date of transfer pursuant to section 460///-41 of this title, a full-time or part-time annual employee of the Tennessee Valley Authority at the Recreation Area.

(5) Environmental law

(A) In general

The term “environmental law” means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) Inclusions

The term “environmental law” includes—

- (i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);
- (ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
- (iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- (iv) the Clean Air Act (42 U.S.C. 7401 et seq.);
- (v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);
- (vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);
- (vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
- (viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) Forest highway

The term “forest highway” has the meaning given the term in section 101(a) of title 23.

(7) Governmental unit

The term “governmental unit” means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) Hazardous substance

The term “hazardous substance” has the meaning given the term in section 101 of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) Person

The term “person” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) Pollutant or contaminant

The term “pollutant or contaminant” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) Recreation Area

The term “Recreation Area” means the Land Between the Lakes National Recreation Area.

(12) Release

The term “release” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) Response action

The term “response action” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) Secretary

The term “Secretary” means the Secretary of Agriculture.

(15) State

The term “State” means the State of Kentucky and the State of Tennessee.

(Pub. L. 105-277, div. A, §101(e) [title V, §502], Oct. 21, 1998, 112 Stat. 2681-231, 2681-310.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in par. (5)(B)(i), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

The Solid Waste Disposal Act, referred to in par. (5)(B)(ii), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§6901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in par. (5)(B)(iii), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Clean Air Act, referred to in par. (5)(B)(iv), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (5)(B)(v), is act June 25, 1947, ch.

125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 136 of Title 7 and Tables.

The Toxic Substances Control Act, referred to in par. (5)(B)(vi), is Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003, as amended, which is classified generally to chapter 53 (§2601 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

The Safe Drinking Water Act, referred to in par. (5)(B)(vii), is title XIV of act July 1, 1944, as added Pub. L. 93-523, §2(a), Dec. 16, 1974, 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in par. (5)(B)(viii), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in par. (5)(B)(ix), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE

Pub. L. 105-277, div. A, §101(e) [title V, §501], Oct. 21, 1998, 112 Stat. 2681-231, 2681-310, provided that: “This title [enacting this subchapter] may be referred to as ‘The Land Between the Lakes Protection Act of 1998’.”

§ 460III-1. Purposes

The purposes of this subchapter are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §503], Oct. 21, 1998, 112 Stat. 2681-231, 2681-311.)

PART A—ESTABLISHMENT, ADMINISTRATION, AND
JURISDICTION

§ 460III-11. Establishment

(a) In general

On the transfer of administrative jurisdiction under section 460III-41 of this title, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) Management

(1) In general

The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) Emphases

The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) Status of unit

The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) Area included

(1) In general

The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled “Land Between the Lakes National Recreation Area—January, 1998”.

(2) Map

The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) Waters

(1) Water levels and navigation

Nothing in this subchapter affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) Occupancy and use

Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

(Pub. L. 105-277, div. A, §101(e) [title V, §511], Oct. 21, 1998, 112 Stat. 2681-231, 2681-312.)

§ 460III-12. Civil and criminal jurisdiction

(a) Administration

The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation

Area in accordance with this subchapter and the laws, rules, and regulations pertaining to the National Forest System.

(b) Status

Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 515 et seq.).

(c) Law enforcement

In order to provide for a cost-effective transfer of the law enforcement responsibilities between the Forest Service and the Tennessee Valley Authority, the law enforcement authorities designated under section 831c-3 of this title are hereby granted to special agents and law enforcement officers of the Forest Service. The law enforcement authorities designated under section 551 of this title, section 559 of this title, the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b-559g) are hereby granted to law enforcement agents of the Tennessee Valley Authority, within the boundaries of the Recreation Area, for a period of 1 year from October 21, 1998.

(Pub. L. 105-277, div. A, §101(e) [title V, §512], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in subsec. (b), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

The National Forest System Drug Control Act of 1986, referred to in subsec. (c), is title XV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-191, which enacted sections 559b to 559g of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note under section 559b of this title. For complete classification of title XV to the Code, see Short Title note set out under section 559b of this title and Tables.

§ 460III-13. Payments to States and counties

(a) Payments in lieu of taxes

Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31.

(b) Distribution

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under section 500 of this title.

(c) Payments by the Tennessee Valley Authority

After the transfer of administrative jurisdiction is made under section 460III-41 of this title—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 831f of this title; and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

(Pub. L. 105-277, div. A, §101(e) [title V, §513], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

§ 460III-14. Forest highways

(a) In general

For purposes of section 204 of title 23, the road known as “The Trace” and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) State responsibility

(1) In general

The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) Reimbursement

To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §514], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

PART B—MANAGEMENT PROVISIONS

§ 460III-21. Land and resource management plan

(a) In general

As soon as practicable after the effective date of the transfer of jurisdiction under section 460III-41 of this title, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) Interim provision

Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority Natural Resource Management Plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

(Pub. L. 105-277, div. A, §101(e) [title V, §521], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314.)

REFERENCES IN TEXT

The National Forest Management Act of 1976, referred to in subsec. (a), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

§ 460III-22. Advisory Board

(a) Establishment

Not later than 90 days after the date of transfer pursuant to section 460III-41 of this title, the

Secretary shall establish the Land Between the Lakes Advisory Board.

(b) Membership

The Advisory Board shall be composed of 17 members, of whom—

(1) 4 individuals shall be appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee;

(2) 2 individuals shall be appointed by the Kentucky Fish and Wildlife Commissioner or designee;

(3) 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission or designee;

(4) 2 individuals shall be appointed by the Governor of the State of Tennessee;

(5) 2 individuals shall be appointed by the Governor of the State of Kentucky; and

(6) 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area.

(c) Term

(1) In general

The term of a member of the Advisory Board shall be 5 years.

(2) Succession

Members of the Advisory Board may not succeed themselves.

(d) Chairperson

The Regional Forester shall serve as chairperson of the Advisory Board.

(e) Rules of procedure

The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) Functions

The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) Meetings

(1) Frequency

The Advisory Board shall meet at least biannually.

(2) Public meeting

A meeting of the Advisory Board shall be open to the general public.

(3) Notice of meetings

The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) No termination

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

(Pub. L. 105-277, div. A, §101(e) [title V, §522], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314.)

REFERENCES IN TEXT

Section 14(a)(2) of the Federal Advisory Committee Act, referred to in subsec. (h), is section 14(a)(2) of Pub.

L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 460III-23. Fees

(a) Authority

The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) Factors

In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) Limitation

No general entrance fees shall be charged within the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §523], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-24. Disposition of receipts

(a) In general

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) Use

Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

(Pub. L. 105-277, div. A, §101(e) [title V, §524], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-25. Special use authorizations

(a) In general

In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

- (1) convey for no consideration perpetual easements to governmental units for public roads over United States Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;
- (2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and
- (3) lease or authorize recreational sites or other facilities, consistent with sections 460III-1(2) and 460III-11(b)(2) of this title.

(b) Consideration

(1) In general

Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) Reduction or waiver

The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) Procedure

The Secretary may use any fair and equitable method for authorizing special uses within the

Recreation Area, including public solicitation of proposals.

(d) Existing authorizations

(1) In general

A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of transfer pursuant to section 460III-41 of this title may continue on transfer of administration of the Recreation Area to the Secretary.

(2) Reissuance

A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Secretary.

(3) Exercise of rights

The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(Pub. L. 105-277, div. A, §101(e) [title V, §525], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-26. Cooperative authorities and gifts

(a) Fish and Wildlife Service

(1) Management

(A) In general

Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) Fees

(i) In general

Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) Deposit

The fees shall be deposited in accordance with section 460III-24 of this title.

(2) Cooperation

The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) Subordination of fish and wildlife activities to overall management

The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) Authorities

For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under section 2269 of title 7 notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(Pub. L. 105-277, div. A, §101(e) [title V, §526], Oct. 21, 1998, 112 Stat. 2681-231, 2681-316.)

§ 460III-27. Designation of national recreation trail

Effective on the date of transfer pursuant to section 460III-41 of this title, the North-South Trail is designated as a national recreation trail under section 1243 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §527], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-28. Cemeteries

The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

(Pub. L. 105-277, div. A, §101(e) [title V, §528], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-29. Resource management

(a) Minerals

(1) Withdrawal

The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) Use of mineral materials

The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) Hunting and fishing

(1) In general

The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) Prohibition

(A) In general

The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) Consultation

Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) Fish and wildlife

Nothing in this subchapter affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

(Pub. L. 105-277, div. A, §101(e) [title V, §529], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-30. Hematite Dam

Within one year from the date of transfer pursuant to section 460III-41 of this title, the Tennessee Valley Authority shall cause any breach in the Hematite Dam to be repaired, or if such repairs have previously been made, the Tennessee Valley Authority shall certify in a letter to the Secretary the sound condition of the dam. Future repair costs and maintenance of the Hematite Dam shall be the responsibility of the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §530], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-31. Trust Fund

(a) Establishment

There is established in the Treasury of the United States a special interest-bearing fund known as the ‘Land Between the Lakes Trust Fund’.

(b) Availability

Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) Deposits

The Tennessee Valley Authority shall deposit into the Fund \$1,000,000 annually for each of the 5 fiscal years commencing in the first fiscal year of the transfer. Funding to carry out this section shall be derived from funding described in section 460III-49 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §531], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

PART C—TRANSFER PROVISIONS

§ 460III-41. Effective date of transfer

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least \$6,000,000 for the Recreation Area, or, if this subchapter is enacted during a fiscal year for which Congress has not made such an appropriation, effective as of October 21, 1998, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §541], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ‘‘this Act’’ and was translated as meaning section 101(e) of div. A of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-231, known as the Department of the Interior and Related Agencies Appropriations Act, 1999. For complete classification of this Act to the Code, see Tables.

§ 460III-42. Statement of policy

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and
 (2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

(Pub. L. 105-277, div. A, §101(e) [title V, §542], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-43. Memorandum of agreement

(a) In general

Not later than 30 days after the date of transfer pursuant to section 460III-41 of this title, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this subchapter.

(b) Provisions

The memorandum of understanding shall provide procedures for—

- (1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;
- (2) the transfer of property, fixtures, and facilities;
- (3) the interagency transfer of officers and employees;
- (4) the transfer of records; and
- (5) other transfer issues.

(c) Transition team

(1) In general

The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) Duration

The team may continue in existence after the date of transfer.

(3) Personnel costs

The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

(Pub. L. 105-277, div. A, §101(e) [title V, §543], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-44. Records

(a) Recreation Area records

The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) Personnel records

The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) Confidentiality

The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) Land title records

The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

(Pub. L. 105-277, div. A, §101(e) [title V, §544], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-45. Transfer of personal property

(a) Subject property

(1) Inventory

Not later than 60 days after the date of transfer pursuant to section 460III-41 of this title, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) Availability for transfer

(A) In general

All Tennessee Valley Authority property associated with the administration of the Recreation Area, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) Property included

Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) Exclusion of property

At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) Designation

Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 460III-43 of this title, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) Facilitation of transfer

The Tennessee Valley Authority shall, to the maximum extent practicable, use current personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel. Funding for these costs shall be derived from funding described in section 460III-49 of this title.

(d) Surplus property

(1) Disposition

Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained

either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(2) Deposit of proceeds

All net proceeds from the disposal of any property shall be deposited into the Fund established by section 460III-31 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §545], Oct. 21, 1998, 112 Stat. 2681-231, 2681-319.)

CODIFICATION

In subsec. (d)(1)(B), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 460III-46. Compliance with environmental laws

(a) Documentation of existing conditions

(1) In general

Not later than 60 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) Additional documentation

The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) Action required

(1) Assessment

Not later than 120 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) Memorandum of understanding

If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) Documentation demonstrating action

On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority

to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) Continuation of responsibilities and liabilities

(1) In general

The transfer of the Recreation Area property under this subchapter, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) Access

After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) No liability

The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) No effect on responsibilities or liabilities

Except as provided in paragraph (3), nothing in this subchapter affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law with respect to the Secretary.

(e) Other Federal agencies

Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous

waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

(Pub. L. 105-277, div. A, §101(e) [title V, §546], Oct. 21, 1998, 112 Stat. 2681-231, 2681-320.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsecs. (c) and (d)(1), (3)(A), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

§ 460III-47. Personnel

(a) In general

(1) Hiring

Notwithstanding section 3503 of title 5, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) Interim retention of eligible employees

(A) In general

For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay and all other compensation of those eligible employees.

(B) Notice to employees

The Secretary shall provide eligible employees a written notice of not less than 60 days before termination.

(C) Termination for cause

Subparagraph (A) does not preclude a termination for cause during the period described in subparagraph (A).

(b) Applications for transfer and appointment

An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) Hiring by Secretary

(1) In general

Subject to subsection (b) of this section, in filling personnel positions within the Recreation Area, the Secretary shall follow all laws

(including regulations) and policies applicable to the Department of Agriculture.

(2) Notification and hiring

Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) Noncompetitive appointments

Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) Period of service

Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) Transfer to positions in other units of Tennessee Valley Authority

The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) Employee benefit transition

(1) Memorandum of understanding

(A) In general

The Secretary and the heads of the Office of Personnel Management, the Tennessee Valley Authority and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) Employee participation

In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management, the Tennessee Valley Authority and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) Eligible employees that are transferred to other units of TVA

An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) Eligible employees that are hired by the Secretary

(A) Level of benefits

The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) Transfer of retirement benefits

(i) In general

Eligible employees hired by the Forest Service shall become members of the Civil Service Retirement System (CSRS) Offset Plan and shall have the option to transfer into the Federal Employees Retirement System (FERS) within six months of their date of transfer. Such employees shall have the option at any time to receive credit in CSRS Offset or FERS for all of their TVA service in accordance with applicable procedures. Any deposits necessary to receive credit for such service shall be considered transfers to a qualified plan for purposes of favorable tax treatment of such amount under title 26.

(ii) Funding shortfall

(I) In general

For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) Notification

The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) Payment

The Tennessee Valley Authority shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) No interruption

An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(C) No interruption

An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(D) Period of service

Notwithstanding section 8411(b)(3) of title 5, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the U.S. Department of Agriculture for all purposes relating to the Federal employment of the eligible employee.

(4) Eligible employees that are discharged not for cause

(A) Level of benefits

The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) Minimum benefits

An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to \$1,000, multiplied by the number of years of service of the eligible employee (but not less than \$15,000 nor more than \$25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and the years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of the date of transfer pursuant to section 460III-41 of this title;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) Shortfall

If the board of directors of the Tennessee Valley Authority Retirement System deter-

mines that the cost of providing the benefits described in subparagraphs (A) and (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls.

(Pub. L. 105-277, div. A, §101(e) [title V, §547], Oct. 21, 1998, 112 Stat. 2681-231, 2681-321.)

§ 460III-48. Tennessee Valley Authority transfer costs

Any costs incurred by Tennessee Valley Authority associated with the transfer under this part shall be derived from funding described in section 460III-49 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §548], Oct. 21, 1998, 112 Stat. 2681-231, 2681-325.)

§ 460III-49. Tennessee Valley Authority transfer funding

(a) In general

The funding described in this section is funding derived from only 1 or more of the following sources:

- (1) Nonpower fund balances and collections.
- (2) Investment returns of the nonpower program.
- (3) Applied programmatic savings in the power and nonpower programs.
- (4) Savings from the suspension of bonuses and awards.
- (5) Savings from reductions in memberships and contributions.
- (6) Increases in collections resulting from nonpower activities, including user fees.
- (7) Increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers.

(b) Availability

Funds from the sources described in subsection (a) of this section shall be available notwithstanding section 11, 14, 15, or 29 [16 U.S.C. 831j, 831m, 831n, 831bb] or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) or any provisions of the covenants contained in any power bonds issued by the Tennessee Valley Authority.

(c) Sufficiency of savings

The savings from and the revenue adjustment to the budget of the Tennessee Valley Authority for the first fiscal year of the transfer and each fiscal year thereafter shall be sufficient so that the net spending authority and resulting outlays to carry out activities with funding described in subsection (a) of this section shall not exceed \$0 for the first fiscal year of the transfer and each fiscal year thereafter.

(d) Itemized list of reductions and increased receipts

(1) Proposed changes

Not later than 30 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of

reductions in spending and increases in receipts that are proposed to be made as a result of activities under this subsection during the first fiscal year of the transfer.

(2) Actual changes

Not later than 24 months after the effective date of the transfer, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of reductions in spending and increases in receipts as a result of activities under this subsection during the first fiscal year of the transfer.

(Pub. L. 105-277, div. A, §101(e) [title V, §549], Oct. 21, 1998, 112 Stat. 2681-231, 2681-325.)

REFERENCES IN TEXT

The Tennessee Valley Authority Act of 1933, referred to in subsec. (b), is act May 18, 1933, ch. 32, 48 Stat. 58, as amended, which is classified generally to chapter 12A (§831 et seq.) of this title. For complete classification of this Act to the Code, see section 831 of this title and Tables.

PART D—FUNDING

§ 460III-61. Authorization of appropriations

(a) Agriculture

There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

- (1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this subchapter; and
- (2) administer the Recreation Area area as a unit of the National Forest System.

(b) Interior

There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

(c) Use of funds

The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this subchapter in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

(Pub. L. 105-277, div. A, §101(e) [title V, §551], Oct. 21, 1998, 112 Stat. 2681-231, 2681-326; Pub. L. 106-291, title II, Oct. 11, 2000, 114 Stat. 974; Pub. L. 107-63, title III, §335, Nov. 5, 2001, 115 Stat. 472; Pub. L. 108-108, title III, §334, Nov. 10, 2003, 117 Stat. 1312.)

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-108 amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Until September 30, 2004, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this subchapter in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before

the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.”

2001—Subsec. (c). Pub. L. 107–63 substituted “2004” for “2002”.

2000—Subsec. (c). Pub. L. 106–291 added subsec. (c).

SUBCHAPTER CXXIV—McINNIS CANYONS NATIONAL CONSERVATION AREA

§ 460mmm. Findings and purpose

(a) Findings

Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) Purpose

The purpose of this subchapter is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 460mmm–2(b) of this title, including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the McInnis Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

(Pub. L. 106–353, §2, Oct. 24, 2000, 114 Stat. 1374; Pub. L. 108–400, §1(a), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–400 substituted “McInnis Canyons” for “Colorado Canyons”.

CHANGE OF NAME

Pub. L. 108–400, §1(f), Oct. 30, 2004, 118 Stat. 2254, provided that: “Any reference in a law, map, regulation, document, paper, or other record of the United States to the ‘Colorado Canyons National Conservation Area’ shall be deemed to be a reference to the ‘McInnis Canyons National Conservation Area’.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–400, §1(g), Oct. 30, 2004, 118 Stat. 2254, provided that: “This section [amending this section and sections 460mmm–1, 460mmm–2, and 460mmm–6 of this title, enacting provisions set out as a note under this section, and amending provisions set out as a note under this section] and the amendments made by this section take effect on January 1, 2005.”

SHORT TITLE

Pub. L. 106–353, §1, Oct. 24, 2000, 114 Stat. 1374, as amended by Pub. L. 108–400, §1(e), Oct. 30, 2004, 118 Stat.

2254, provided that: “This Act [enacting this subchapter and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘McInnis Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000’.”

§ 460mmm–1. Definitions

In this subchapter:

(1) Conservation Area

The term “Conservation Area” means the McInnis Canyons National Conservation Area established by section 460mmm–2(a) of this title.

(2) Council

The term “Council” means the McInnis Canyons National Conservation Area Advisory Council established under section 460mmm–6 of this title.

(3) Management plan

The term “management plan” means the management plan developed for the Conservation Area under section 460mmm–4(h) of this title.

(4) Map

The term “Map” means the map entitled “Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area” and dated July 18, 2000.

(5) Secretary

The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) Wilderness

The term “Wilderness” means the Black Ridge Canyons Wilderness so designated in section 460mmm–3 of this title.

(Pub. L. 106–353, §3, Oct. 24, 2000, 114 Stat. 1374; Pub. L. 108–400, §1(b), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Pars. (1), (2). Pub. L. 108–400 substituted “McInnis” for “Colorado”.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–400 effective Jan. 1, 2005, see section 1(g) of Pub. L. 108–400, set out as a note under section 460mmm of this title.

§ 460mmm–2. McInnis Canyons National Conservation Area

(a) In general

There is established the McInnis Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) Areas included

The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

(Pub. L. 106–353, §4, Oct. 24, 2000, 114 Stat. 1375; Pub. L. 108–400, §1(c), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Pub. L. 108–400, §1(c)(1), substituted “McInnis” for “Colorado” in section catchline.

Subsec. (a). Pub. L. 108–400, §1(c)(2), substituted “McInnis Canyons” for “Colorado Canyons”.